IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 21ST MARCH 2007 / 30TH PHALGUNA 1928

WP(C).No. 27851 of 2003(N)

PETITIONER:

V.BALAKRISHNAN,
S/O. KANDOTHUMPURATH KRISHNAN, ARAYIKKAL HOUSE,
PILICODE P.O., KASARAGODE DISTRICT.

BY ADV. SRI.KALEESWARAM RAJ

RESPONDENTS:
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1. STATE OF KERALA REPRESENTED BY ITS
SECRETARY DEPARTMENT OF LAND REVENUE SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE COMMISSIONER OF LAND REVENUE
PUBLIC OFFICE BUILDING MUSEUM JUNCTION,
THIRUVANANTHAPURAM.

3. ADDITIONAL DISTRICT MAGISTRATE
KASARAGODE.

4. MR.P.P.RAMACHANDRAN, ARIYAKKAL HOUSE,
PILICODE VILLAGE, PILICODE P.O.,
KASARAGODE DISTRICT.

BY ADV. SMT.K.SEENA
GOVERNMENT PLEADER SMT.K.R.DEEPA.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 21/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH, J.

W.P.(C) No.27851 of 2003

Dated 21st March, 2007.

J U D G M E N T

The issue pertains to the grant of licence to possess a gun, in favour of the 4th respondent. It is seen that the issue was being pursued before the licensing authority as well as appellate authority. The petitioner was also afforded an opportunity for hearing on all occasions except when the impugned Ext.P5 order was passed granting licence to the 4th respondent. Though the petitioner attempted an appeal, the same was turned down as per Ext.P8 on the ground that no appeal would lie since the appeal is against the grant of licence. Though several contentions are taken on that issue, in the nature of the view I propose to take in this case, it is not necessary to advert to the same. The fact remains that while passing Ext.P5 order, the petitioner was not afforded an opportunity for hearing. At the same time, it is stated that Ext.P5 order happened to be passed since on earlier occasions, the 4th respondent was not afforded an effective opportunity for hearing. In the above circumstances, the writ petition is disposed of as follows :-

Ext.P5 and the consequential Ext.P8 are quashed. There will be a direction to the third respondent to consider the matter afresh with notice to the petitioner and the 4th respondent, and pass appropriate orders thereon in accordance with law, adverting to the contentions taken by the parties, within a period of one month from the date of receipt/production of a copy of the judgment.

KURIAN JOSEPH, JUDGE.

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KURIAN JOSEPH, J

O.P.No. of 2002

J U D G M E N T

Dated 21st March, 2007.